



PATENT
90500-000071/US

DAC/SF

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant(s): Laura POZZI et al. Group No.: Unknown
Application No.: 10/716,907 Conf. No.: Unknown
Filed: November 19, 2003 Examiner: Unknown
For: AUTOMATED INSTRUCTION-SET EXTENSION

**RENEWED PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. §1.137(b)**

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Mail Stop Petitions

April 20, 2006

Sir:

This is a response to the Decision On Petition (mail date 02-03-2006) that was filed on November 30, 2005 for the above-identified application. The petition was dismissed because the Applicant provided an executed declaration that contained non-initialed alterations to the declaration. A newly executed supplemental declaration pursuant to 37 C.F.R. 1.67 is hereby attached. Applicants respectfully request the Renewed Petition to Revive an Unintentionally Abandoned Application under 37 C.F.R. §1.137(b) be granted by June 20, 2006. All Petition fees were previously paid and thus no further fees (except for a one (1) month extension of time) are believed to be necessary.

04/21/2006 SZEWDIE1 00000022 10716907

01 FC:2251

60.00 OP

Initial Petition

The above-identified application became abandoned for failure to timely file a response to the Notice to File Missing Parts of Nonprovisional Application ("NFMMPNA")

dated December 1, 2004. Original counsel of the Applicants has indicated that the NFMPNA was never received from the U.S.P.T.O. Further, existence of the NFMPNA and abandonment of the application was discovered by Applicants' original counsel. The entire delay in filing the required reply, namely the response to the NFMPNA, from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Thus, the abandonment was unintentional.

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

APPLICANTS HEREBY REQUEST A RENEWED PETITION FOR REVIVAL OF
THIS APPLICATION:

1. Petition Fee:

Small Entity - fee \$750.00 (37 CFR 1.17(m))

Small Entity Statement enclosed herewith.

Small Entity Statement previously filed November 30, 2005.

Other than Small Entity - fee \$ (37 C.FR 1.17(m))

2. Reply and/or Fee:

A. The known U.S.P.T.O. surcharge fee (no reply is necessary) of \$75.00:

X has been filed previously on November 30, 2005.

_____ is enclosed herewith (Response to Notice to File Missing Parts of Nonprovisional Application).

B. The Extension of Time fee of \$60.00 for a small entity

has been paid previously on _____
 is enclosed herewith.

3. Terminal Disclaimer with disclaimer fee:

X Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

— A Terminal Disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$____ for a small entity or _____ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition.

4. Statement. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

All of the above fees were previously paid with the Petition filed November 30, 2005,
thus, no further fees are believed to be necessary.

Pursuant to 37 C.F.R. 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application, and the required fee of \$60.00 is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

April 20, 2006
Date


Signature

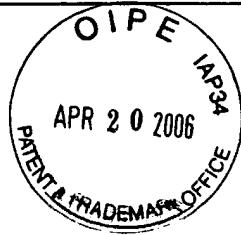
(703) 668-8000
Telephone Number

Donald J. Daley, Reg. No. 34,313
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

Enclosures: Decision on Petition (1 copy)
Extension Fee Payment (1 check for \$60.00)
Executed Supplemental Declaration and Power of Attorney (1 copy)



UNITED STATES PATENT AND TRADEMARK OFFICE



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RESTON VA 20195

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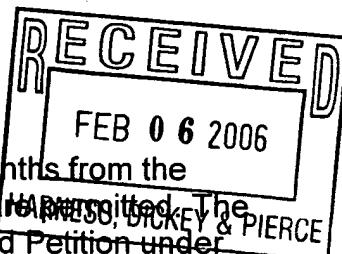
DECISION ON PETITION

In re Application of
Pozzi et al.
Application No. 10/716,907
Filed: November 19, 2003
Title of Invention: Automated
Instruction-set Extension

*Request
Rehearing
4/3/06*

This is a decision on the petition under 37 CFR §1.137(b) filed November 30, 2005 to revive the above-identified application.

This petition is hereby **Dismissed**.



Any request for reconsideration must be submitted within TWO (2) Months from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are ~~not~~ permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)". This is **not** a final agency action within the meaning of 5 U.S.C. §704.

This above-identified application became abandoned for failure to file a response to a Notice to file Missing Parts of a Nonprovisional Application which was mailed on February 19, 2004. The Notice to File Missing Parts set an extendable two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on April 20, 2004. A Notice of Abandonment was mailed on December 1, 2004.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

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The instant petition lacks item (1). Although petitioner has provided an executed declaration, the declaration contains non-initialed alterations to the declaration. Specifically, inventor Pozzi has failed to initial the changes made to the declaration. A newly executed supplemental declaration pursuant to 37 CFR 1.67 should be submitted.

Further Correspondence with respect to this matter should be addressed as follows:

By mail: **Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

By facsimile: **(571) 273-8300**

By delivery service: **U.S. Patent and Trademark Office
Customer Service Window,
Randolph Building
401 Dulany Street
Alexandria, VA 22314**
(FedEx, UPS, DHL, etc.)

Telephone inquiries concerning this matter should be directed to the undersigned at
(571) 272-3215.

Charlema R. Grant
Charlema R. Grant
Petitions Attorney
Office of Petitions

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